

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 5, 2010

D055933 People et al. v. Sunroad Centrum Office I, L.P. et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(e)(2).) Each party to bear own costs on appeal.

D056992 P.F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner P.F. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D056704 B.S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner B.S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D057070 Mallen v. Pacific Maritime Association et al.

The court has read and considered John G. Mallen's Application for Permission to Appeal and "Motion to Lift Prefiling Order to Post Bond and File Notice of Appeal" received on March 15, 2010, and respondents' opposition to the application for permission to file appeal received on April 1, 2010. The application and motion are denied. Respondents' request for judicial notice is denied. The matter is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2010

- D056175 In re K.G., a Juvenile**
The order is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., Irion, J.
- D054025 People v. Lewis, Jr.**
The judgment is affirmed.
Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.
- D055282 People v. Rife**
The judgment is modified to reflect the \$21,959 victim restitution obligation is joint and several with codefendant Fanghella. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.
Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.
- D054863 People v. Domenzain**
The case is remanded to the trial court to amend the abstract of judgment to reflect that the stayed sentence on the aggravated kidnapping count (count 3) is life with the possibility of parole. The trial court shall file the amended abstract of judgment with the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Nares, J.
- D055199 McGuigan v. City of San Diego**
Affirmed. Costs are awarded to Respondent City.
CERTIFIED FOR PUBLICATION.
Huffman, J.; I Concur: Nares, J.; Concurring in the Result: McConnell, P.J.
- D055327 People v. Milosavljevic**
Milosavljevic's conviction on count 52 for violation of section 222 is reversed and his section 1465.8 fine is reduced to \$740. In all other respects, the judgment is affirmed. The matter is remanded to the trial court with directions that it prepare an amended abstract of judgment reflecting the reduction in his sentence to an aggregate of 940 years to life in prison and reduction in his section 1465.8 fine to \$740, and forward a copy to the Department of Corrections and Rehabilitation.
CERTIFIED FOR PARTIAL PUBLICATION.
McDonald, J.; We Concur: McConnell, P.J., Aaron, J.
- D054761 Alatrisme v. Cesar's Exterior Designs, Inc.**
The judgment is affirmed. Appellant to pay respondent's costs on appeal.
CERTIFIED FOR PUBLICATION.
Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2010 (Continued)

- D054861 People v. Crawford**
The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.
- D057050 Tadros v. Superior Court of San Diego County/Doyne**
The petition is denied.
- D056580 In re Alsayad on Habeas Corpus**
The petition is denied.
- D054002 Encarnacion v. Seaton**
The petition for rehearing is denied.
- D056891 In re Lopez on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 7, 2010

- D055781 In re Kevin H., a Juvenile**
The orders are affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.
- D057068 San Diego County Health and Human Services Agency v. Randall R.**
The petition is denied.
- D054364 People v. Manning**
The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D055280 People v. Kemp**
The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Irion, J.
- D052869 Cupps v. Mendelson**
We affirm the Amended Judgment, filed May 14, 2008. The parties to bear their own costs on appeal. Haller, J.; We Concur: McConnell, P.J., Huffman, J.
- D055425 People v. Alec**
The judgment is affirmed.
Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D056815 In re Josanyea J., a Juvenile**
This case has been reviewed by Justices Nares, McDonald, and McIntyre. Parental rights were terminated on May 16, 2005 and Robert S. is not the father of the dependent child. Robert therefore lacks standing to appeal. His appeal is dismissed.
- D054942 Bailey v. Sharp**
Upon written stipulation filed by the parties to the appeals, the appeal and cross-appeal are dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 8, 2010

- D057001 Wells Fargo Bank v. Superior Court of San Diego County/McClay**
The petition for writ of mandate, request for stay, preliminary opposition, reply to preliminary opposition and letter in response to petitioner's reply have been read and considered by Justices Nares, McDonald and McIntyre.
- D057017 In re Hawkins, Jr. on Habeas Corpus**
The petition is denied.
- D056901 In re Erickson on Habeas Corpus**
The petition is denied.
- D055103 People v. Aliyar**
The judgment is affirmed.
Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D055784 In re Emilio C. et al., Juveniles**
The orders are affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Irion, J.
- D054738 People v. Castro**
The judgment of conviction for possessing cocaine base (count 3) is reversed, and the case is remanded for a new trial. Because Castro has not otherwise challenged the judgment, the judgment is affirmed in all other respects.
Aaron, J.; We Concur: Haller, Acting P.J., McDonald, J.
- D054175 People v. Schack**
The judgment of conviction is affirmed.
Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 9, 2010

- D055051 In re Abel V., a Juvenile**
The order is reversed. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.
- D055137 People v. Haiman**
Haiman's alternative sentence under section 667.71, subdivision (a) is stricken rather than stayed. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D053964 People v. Castro**
The judgment of conviction is affirmed.
Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.
- D055186 In re Conservatorship of Christopher A.**
The pending petition for writ of habeas corpus, *In re Christopher A.*, D055831, is consolidated with the pending appeal, *Conservatorship of Christopher A.*, D055186, for disposition.
- D055186 In re Conservatorship of Christopher A.**
D055831 In re Conservatorship of Christopher A.
The order is affirmed. The petition for writ of habeas corpus is denied.
McConnell, P.J.; We Concur: Haller, J., Aaron, J.
- D055228 Salenga v. Mitsubishi Motors Credit of America, Inc., et al.**
The judgment of dismissal is reversed with directions to the trial court to allow any appropriate application to amend. Costs on appeal are awarded to Appellant.
CERTIFIED FOR PUBLICATION.
Huffman, J.; We Concur: McConnell, P.J., Aaron, J.
- D053864 Cauchon et al., v. Forest River, Inc.**
D054433 Cauchon et al., v. Forest River, Inc.
(Consolidated) The judgment and the orders denying defendant's motion for judgment notwithstanding the verdict and new trial, and granting plaintiffs' motion for attorney fees are affirmed. Plaintiffs are entitled to recover their costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.
- D055162 People v. Bevilaqua**
The judgment is affirmed.
McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 9, 2010 (Continued)

- D054510 In re T.S., a Juvenile**
The true finding for the count 2 offense of grand theft (Pen. Code, § 487, subd. (c)) is reversed and the matter remanded to the juvenile court with directions to strike that finding. In all other respects the judgment is affirmed.
O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.
- D055336 People v. Bugarin**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D055879 United Enterprises, Inc., et al. v. Superior Court of San Diego County/Royal Indemnity Company**
The opinion filed March 24, 2010 is ordered certified for publication.
- D056658 In re Carter on Habeas Corpus**
The petition is denied.
- D053345 MHC Financing v. City of Santee**
The opinion filed March 15, 2010, is ordered modified [no change in judgment].
The petition for rehearing is denied.
- D057042 Robbins v. Superior Court of San Diego County/Roadone West Inc.**
The petition is denied.